

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNDOCUMENTED
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/15/08

KENNETH PESNELL,

Plaintiff,

-v-

VIACOM INTERNATIONAL, INC. and
SPHERION, INC.

Defendants.

-and-

VIACOM INTERNATIONAL, INC.,

Defendant/Third-party plaintiff,

-v-

EN POINTE TECHNOLOGIES SALES, INC.,

Third-party Defendant.

ECF CASE

Case No: 07-CV-9523 (RMB)

MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO STRIKE
THIRD-PARTY COMPLAINT

Motion denied [433]
as not in accordance
with court Rules.
SO ORDERED Date: 5/15/08 <i>Richard M. Berman</i> Richard M. Berman, U.S.D.J.

The plaintiff, pursuant to Rule 14 (a)(4), respectfully moves the Court to strike Defendant Viacom's Third-party complaint because binding precedent from the Supreme Court and this Circuit bars a Title VII defendant from asserting a claim for indemnification or contribution. Under Fed. R. Civ. 14 (a) (4) "[a]ny party may move to strike the third-party claim, to sever it, or to try it separately."

1. The Allegations in the Third-Party Complaint

The revelant portions of Viacom's Third-Party Complaint against En Point are as